

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
JAN 17 2006

CYNTHIA B. EVANS,

Plaintiff,

v.

Civil Action No: 3:04CV00097

MEDTRONIC, INC.,

Defendant.

JOHN F. CORCORAN, CLERK  
BY: [Signature] DEPUTY CLERK

**NOTICE OF APPEAL**

PURSUANT to Rule 3 of the Federal Rules of Appellate Procedure notice is hereby given that Cynthia B. Evans, plaintiff in the above captioned case, hereby appeals to the United States Court of Appeals for the Fourth Circuit the Order entered in the case on December 27, 2005 granting defendant's Motions to exclude plaintiff's designated expert Douglas Townsend, Ph.D. and for Summary Judgment.

CYNTHIA B. EVANS  
By counsel

January 17, 2005  
Date

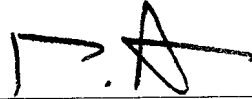
[Signature]

Robert B. Adams VSB# 27301  
8280 Greensboro Drive, 7<sup>th</sup> Floor  
McLean, Virginia 22102  
703-761-5000 (Office)  
703-761-5023 (Facsimile)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of January, 2006, I mailed, postage prepaid, a true and complete copy of the foregoing Notice of Appeal to Brian D. Fowler, Esq., Troutman Sanders LLP, PO Box 1122, Richmond, Virginia 23218-1122, counsel for defendant.

A handwritten signature in black ink, appearing to read 'R. B. Adams', is written over a horizontal line.

Robert B. Adams